

PTO/SB/08a/b (07-05)

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Substitute for form 1449A/B/PTO				Complete If Known	
				Application Number	10/708,721-Conf. #2720
				Filing Date	March 19, 2004
				First Named Inventor	Paul Birkmeyer
				Art Unit	3733
				Examiner Name	J. L. Swiger
Sheet	2	of	2	Attorney Docket Number	101896-0240

AT1*	US-6,929,847-A1	08-16-2005	Cohen	
AU1*	US-20030130659-A1	06-25-2004	Haider	07/2003
AV1*	US-20040267277-A1	12-30-2004	Zannis et al.	
AW1*	US-20050085813-A1	04-21-2005	Spitler et al.	
AX1*	US-20020116006-A1	08-16-2005	Cohen	08/2002
AY1*	US-6,200,322	03-13-2001	Branch et al.	

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Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>2</sup> -Number <sup>3</sup> -Kind Code <sup>4</sup> (If Known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
BA	WO-2004/04100	05-21-2004	LANDRY, Michael E.		
BB	DE-10027988	01-10-2002	KOSMALA, Arkadiusz		
BC	FR-2729291	01-12-1995	GENNARI Jean Marie		
BD	EP-1190678	03-27-2002	BONO, Frank Scott		
BE	FR-2798545	07-22-1999	BACCELLI Christian		
BF	DE-29810798	05-21-2004	SCHAFFER micomed GmbH		

<sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>2</sup> CITE NO.: Those application(s) which are marked with an single asterisk (\*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(ii)) because that application was filed after June 30, 2003 or is available in the IFW. <sup>3</sup> Applicant's unique citation designation number (optional). <sup>4</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>5</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>6</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>7</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>8</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T <sup>2</sup>
CA	Kevin T. Foley, M.D., CD Horizon SEXTANT Rod Insertion System and Surgical Technique, pp. 1-30, Meditronic Sofamor Danek, Memphis, TN (July 2002).				
CB	Stephen L. Ritland, M.D., Surgical Technique: Micro-TLIF "A Mini-Open and Intermuscular Transforaminal Lumbar Interbody Fusion," Aperture Spinal Access System, pp. 1-20, DePuy Acromed, Inc., Raynham, MA (October 2002)				
CC	The Dilation Retractor System, Bright Medical Instruments, Boca Raton, FL (April 2001)				

<sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>2</sup>Applicant's unique citation designation number (optional). <sup>3</sup>Applicant is to place a check mark here if English language Translation is attached.

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Examiner Signature	/James L. Swiger/	Date Considered	01/27/2009
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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /JLS/

Substitute for form 1449A/B/PTO				Complete if Known	
				Application Number	10/708,721-Conf. #2720-
				Filing Date	March 19, 2004
				First Named Inventor	Paul Birkmeyer
				Art Unit	3738
				Examiner Name	J. L. Swiger
Sheet	1	of	1	Attorney Docket Number	101896-240 (MIT269)

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
<i>JL</i>	AA	US-US2005/0131408 A1	06-16-2005	Sicvol, et al.	
<i>JL</i>	AB	US-2005/0131407 A1	06-16-2005	Sicvol, et al.	<i>06/2005</i>

  

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
					<i>T6</i>

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.18 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			

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<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	<i>J. L. Swiger</i>	Date Considered	<i>7/25/2006</i>
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Receipt date: 03/25/2008

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
( Not for submission under 37 CFR 1.99)

Application Number	10708721	10708721 - GAU: 3733
Filing Date	2004-03-19	
First Named Inventor	Paul Birkmeyer	
Art Unit	3733	
Examiner Name	J. L. Swiger	
Attorney Docket Number	101896-0240 (DEP5278)	

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**FOREIGN PATENT DOCUMENTS**

Examiner Initial*	Cite No	Foreign Document Number <sup>3</sup>	Country Code <sup>2</sup>	Kind Code <sup>4</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T <sup>5</sup>
1	3434807		DE		1985-12-19	Mecron Med Prod Gmbh		<input type="checkbox"/>
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				Art Unit	3733
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**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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AF*	US-2003/0083689	05-01-2003	Robert Simonson		
AG*	US-2002/0198526	12-26-2002	Samuel Shaolian		
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Examiner Signature	/James L. Swiger/	Date Considered	01/27/2009
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3/25/09